

REMARKS

Claims 1-12, 16-26, 31-32, and 34-42 are pending, with claims 1, 16, 23, 31 and 38 being independent. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-2, 5-8, 16, 19-23 and 25-26 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,360,252 issued to Rudy et al. (hereinafter "Rudy") in view of U.S. Patent No. 6,556,560 issued to Katseff et al. (hereinafter "Katseff").

Claims 3-4, 8-10, 17-18, 24, 31-32, and 34-42 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rudy in view of Katseff, and further in view of U.S. Patent No. 6,580,721 issued to Maged E. Bashai (hereinafter "Bashai").

Applicants' claims are allowable over any combination of these references. Initially, Applicants' arguments made in the 7/12/07 Reply with respect to the pending claims do not appear to have been considered by the Examiner.

Applicants therefore believe that the claims are allowable at least for the reasons stated in the 7/12/07 Reply.

Additionally, Applicants make the following remarks.

The proposed Rudy-Katseff combination does not teach or suggest each and every element of claim 1. Contrary to the Examiner's contention, the portions of Rudy cited by the Office Action (Fig. 4, Col. 10, lines 42-64, and Col. 1 lines 40-50) do not teach or suggest "preparing, at a first unit in a source device, first information to be transmitted to a destination across network link with a pre-determined reliability requirement, wherein the source device comprises a mobile device, and wherein the destination comprises a home network" (emphases added) as recited in claim 1 because the mobile device in Rudy is not the source device where the information to be transmitted is prepared as required by claim 1.¹

¹ See, e.g., Col. 1, lines 67 to Col. 2 line 4 of Rudy, which states that "the system includes a server machine, and the user's client machine, such as a mobile phone or PDA. The server can present a version of the e-mail item on the user's client, including a descriptor of the attachment rather than the entire attachment itself." (emphases added).

In addition, Fig. 4 of Rudy merely shows a user's network, a carrier's network, and a provider's network and does not show a "destination compris[ing] a home network" as recited in claim 1. In fact, Rudy actually teaches away from the claimed subject matter of claim 1 by stating the undesirability of using the home network as the destination. Specifically, Rudy states that "[t]he user could view or hear the attachment by finding a regular computer with a modem to connect to the home network and view and hear attachments, but this is often impractical or impossible, and is generally an undesirable complication." (emphases added).²

Furthermore, The Examiner states that "Rudy does not explicitly disclose with [sic] a reliability requirement; and preparing, at a stream processing unit in the source device, a data stream comprising the first and the second information to be transmitted across the network link" of claim 1.³ The Examiner then relies on Katseff, arguing that Katseff's disclosure of "transmitting audio data because, for packet telephony, retransmitting lost audio data will degrade a conversation" is equivalent to "preparing, at a stream processing unit in the source device, a data stream comprising the first and the second information to be transmitted across the network link" of claim 1.⁴

The cited portion of Katseff discloses that the network layer can add well-known network protocols, such as TCP/IP, or UDP/IP, and/or PPP, to the audio data for transmission over a packet network, and UDP/IP may be preferred for transmitting audio data because, for packet telephony, retransmitting lost audio data will degrade a conversation. Admittedly Katseff discloses that a protocol with a reliability requirement (e.g., TCP/IP) or a protocol without a reliability requirement (e.g., UDP/IP) can be used to transmit the audio data; however, Katseff does not teach or suggest that the audio data be transmitted using both a network with reliability requirement and a network without a reliability requirement. That is, although Katseff discloses the availability of using TCP/IP or UDP/IP as the network protocol for transmitting the audio data, nowhere does Katseff teach or suggest preparing the audio data so that it includes information that can be transmitted using TCP/IP and information that can be transmitted using UDP/IP.

² Col. 1 lines 40-50 of Rudy.

³ Office Action dated 10-19-07 p. 3 at lines 7-10 and p. 5 at lines 6-9.

⁴ Office Action dated 10-19-07 p. 3 at lines 12-17.

Thus, Rudy does not disclose all the features of independent claim 1, and Katseff is neither asserted to show such claimed features nor does it so teach or suggest. Therefore, the hypothetical Rudy-Katseff combination does not teach or suggest each and every limitation of claim 1 and claim 1 should be in condition for allowance. Independent claims 16, 23, 31, and 38 recite similar features as claim 1 and are patentably distinguishable over the hypothetical Rudy-Katseff combination for analogous reasons to those discussed for independent claim 1.

Furthermore, claims 2-10, 17-22, 24-26, 32, 34-36, and 39-42 depend generally from independent claims 1, 16, 23, 31, or 38, these dependent claims are patentably distinguishable over Rudy, Katseff, or Beshai, either alone or in combination, for at least the reasons provided above.

Thus, all the pending claims are allowable for at least the reasons provided above.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants ask that all claims be allowed. Please apply applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 12/18/07

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